

### Remarks

#### Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 6, and 13 as obvious under 35 U.S.C. § 103(a) in view of United States patent number 6,827,782 issued to Goto et al, hereinafter referred to as Goto. The Applicant respectfully requests careful consideration of the following explanations regarding the rejections of claims 1, 6, and 13 under 35 U.S.C. § 103(a).

#### Rejections of Claims 1, 6, and 13 Under 35 U.S.C. § 103(a)

Claim 1 includes the limitations of "**determining whether** the fluid-ejection nozzle **ejected fluid** upon firing **based on the at least one of the temperature and the firing resistance of the fluid-ejection nozzle**". (emphasis added) On page 2, item 2 of the office action, the Examiner asserts that subject matter upon which limitations of claim 1 read are disclosed in column 11, lines 24-30 of Goto. The Applicant respectfully disagrees that Goto discloses the previously cited limitations of claim 1. Column 11, lines 24-30 of Goto discloses:

The nozzle 20 in the predetermined position over the wafer W delivers the treating solution in the treating solution reservoir 22 **adjusted to the predetermined temperature to the surface of wafer W**. Then, the wafer W is spun to spread the treating solution over the surface of wafer W. **The temperature of the treating solution adjusted to a predetermined value** effectively inhibits variations in thickness of a film due to an improper temperature of the treating solution. The step of delivering the temperature-controlled treating solution to the principal surface of the wafer corresponds to the delivery step of this invention. (emphasis added)

The Applicants respectfully submit that there is no disclosure in this section of Goto, cited by the Examiner in making the rejection of claim 1, of subject matter upon which the limitations of claim 1 recited above read. That is, although Goto discloses that a "temperature of the treating solution" is "adjusted to a predetermined value", Goto does not appear to disclose "determining whether" the "nozzle 20" has "ejected fluid" "based on the temperature" of the "nozzle 20".

If the Examiner contends that subject is disclosed in Goto upon which the limitations of claim 1 recited above read, the Applicants respectfully request that the Examiner specifically identify the location of this disclosure within Goto and distinctly explain why the Examiner regards these limitations of claim 1 as reading upon this disclosure.

As the Applicant knows the Examiner is well aware, according to MPEP 2143 "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.**" (emphasis added) Because Goto does not disclose all the limitations of claim 1, the Applicants respectfully submit that a valid prima facie obviousness rejection of claim 1 with respect to Goto is not present. Accordingly, the Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a).

The Examiner has rejected claims 6 and 13 as obvious in view of Goto. Claims 6 and 13 are dependent upon claim 1 and therefore incorporates all the limitations of claim 1. For at least the reason a valid prima facie obviousness rejection of claim 1 is not present, valid prima facie obviousness rejections of claims 6 and 13 are not present. Accordingly, the Applicants respectfully request withdrawal of the rejections of claims 6 and 13 under 35 U.S.C. § 103(a).

#### Objections to Claims 2-5 and 7-12

The Examiner has objected to claims 2-5 and 7-12 as dependent upon a rejected claim but including allowable subject matter. The Applicants respectfully request that the objections to these claims be held in abeyance until a decision is reached on whether claim 1 is allowable.

Allowed Claims

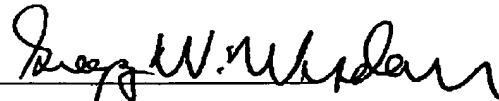
The Examiner has allowed claims 14-25.

Conclusion

The Applicants respectfully contend that claims 1-25 are in a condition for allowance. Such allowance is respectfully requested.

Respectfully submitted,

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